

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 219 of 2006

Harish Kumar Karanwal
S/o Late Shri Ganda Lal Karnwal,
at present posted as Executive Engineer,
15th Division, Uttaranchal Payjal Nigam,
Gopeshwar, Distt. Chamoli Petitioner

Versus

1. Uttaranchal Peyjal Sansadhan Vikas Evam Nirman
Nigam, Dehradun through its Chairman
2. Managing Director,
Uttaranchal Payjal Sansadhan Vikas Evam Nirman
Nigam, Dehradun.
3. State of Uttaranchal through
Secretary, Peyjal, Civil Secretariat,
Uttaranchal, Dehradun.
4. Uttar Pradesh Jal Nigam,
6, Rana Pratap Marg, Lacknow through
its Chairman Respondents

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Sri R.P.Nautiyal, Advocate for the petitioner.
Sri Anil Dabral, Advocate on behalf of Sri D.S.Patni, Advocate for respondents 1 and 2.
Sri N.C.Gupta, Standing Counsel for respondent no. 3.
Sri Vinay Kumar, Advocate on behalf of Sri Sudhir Singh, Advocate for respondent no. 4.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri R.P.Nautiyal, Advocate for the petitioner.

Sri Anil Dabral, Advocate on behalf of Sri D. S. Patni, Advocate for
respondents 1 and 2.

Sri N. C. Gupta, Standing Counsel for respondent no. 3.

Sri Vinay Kumar, Advocate on behalf of Sri Sudhir Singh, Advocate
for respondent no. 4.

2. They are heard on CLMA NO. 14781 of 2006 filed by respondents 1
and 2 wherein a preliminary objection has been raised about the
maintainability of the writ petition on the ground that the petitioner has an
alternative efficacious remedy of filing a petition before the Public Service
Tribunal.

3. Sri R .P. Nautiyal, the learned counsel for the petitioner could not demonstrate as to how the reliefs sought by the petitioner in the writ petition cannot be granted by the Public Service Tribunal.

4. In this view of the matter and in view of the Division Bench decision of this Court in the case of Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others reported in 2006 (2) U.D. 439, we are of the opinion that the writ petition is not maintainable as the petitioner has an alternative efficacious remedy of filing a petition before the Public service Tribunal.

5. The petition, therefore, is dismissed as not maintainable with liberty to the petitioner to file a petition before the Public Service Tribunal for the redressal of the grievances projected in this writ petition and to seek condonation of delay, if any, on the ground that the petitioner was prosecuting this writ petition under *bona fide* belief.

6. With the above order, CLMAs Nos. 8762 of 2006 and 14781 of 2006 also stand disposed of.

(J.C.S.Rawat, J.)
11.12.2006

(Rajeev Gupta, C. J)
11.12.2006

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